

1 ERSKINE & TULLEY
 2 A PROFESSIONAL CORPORATION
 3 MICHAEL J. CARROLL (St. Bar #50246)
 220 Montgomery Street, Suite 303
 San Francisco, CA 94104
 Telephone: (415) 392-5431

4 Attorneys for Plaintiff

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7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

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10 BOARD OF TRUSTEE OF THE NORTHERN) NO. C 07 4133 EMC
 11 CALIFORNIA FLOOR COVERING, et al.)
 12 Plaintiff,) DECLARATION OF ATTORNEY
 13) MICHAEL J. CARROLL IN
 vs.) SUPPORT OF PLAINTIFF'S
 14) EX PARTE APPLICATION FOR
 CONCRETE SURFACE MASTERS, etc.) ORDER TO CONTINUE CASE
 15) MANAGEMENT CONFERENCE
 16 Defendant.)
 _____)

17 I, MICHAEL J. CARROLL, certify:

18 1. I am an attorney with the law firm of Erskine &
 19 Tulley, A Professional Corporation, attorneys for plaintiff, BOARD
 20 OF TRUSTEES OF THE NORTHERN CALIFORNIA FLOOR COVERING INDUSTRY
 21 WELFARE FUND; STEVE HAVENS, TRUSTEE, in this action. I am duly
 22 admitted to practice law in the United States District Court,
 23 Northern District of California. If called as a witness, I could and
 24 would competently testify as follows:

25 2. Service was accomplished upon the only party in this
 26 case on September 21, 2007. No responsive pleading was filed.

27 3. Defendant has paid all ERISA contributions due and
 28 is working out a payment plan for damages and costs.

1 4. It is requested that the Court continue the Case
2 Management Conference 30 days, to March 19, 2008, to provide time to
3 see if we can settle by ourselves.

4 5. Good cause exists to grant plaintiff's request for a
5 continuance of the Case Management Conference currently set for
6 February 27, 2008 to March 19, 2008.

I declare under penalty of perjury that the foregoing is
true and correct to the best of my knowledge.

9 Executed on February 21, 2008 at San Francisco, California.

/s/ Michael J. Carroll
Michael J. Carroll

1 PROOF OF SERVICE BY MAIL

2 I am a citizen of the United States and employed in the City and
3 County of San Francisco, California. I am over the age of eighteen
4 years and not a party to the within above entitled action; my
5 business address is 220 Montgomery Street, Suite 303, San Francisco,
6 CA 94104. On February 21, 2008 I served the within DECLARATION OF
7 ATTORNEY MICHAEL J. CARROLL IN SUPPORT OF EX PARTE APPLICATION FOR
8 ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE on the defendant in said
9 action, by placing a true copy thereof enclosed in a sealed envelope
10 with postage thereon fully prepaid, in the United States post office
11 mail box at San Francisco, CA, addressed as follows:

12 Dick Hodge
Concrete Surface Masters
13 1435 Koll Circle #107
San Jose, CA 95112

14 I, SHARON EASTMAN, certify (or declare), under penalty of perjury
15 that the foregoing is true and correct.

16 Executed on February 21, 2008 at San Francisco, CA.
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18 /s/Sharon Eastman
19 Sharon Eastman

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